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VIA HAND DELIVERY

January 12, 2012

Honorable Richard J. Sullivan
United States District Court
500 Pearl Street
New York, NY 10007

Honorable Laura Taylor Swain
United States District Court
500 Pearl Street
New York, NY 10007

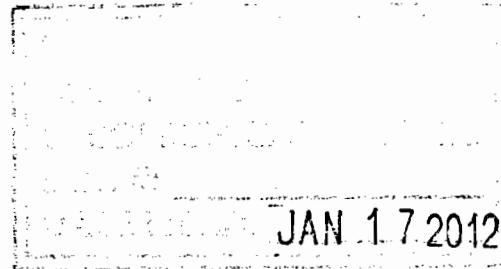
Re: U.S. v. Vilar and Tanaka
05-Cr-0621-RJS

SEC v. Amerindo
05-cv-5231-LTS

Dear Judges Sullivan and Swain:

As stated at the conference held on January 10, I represent three investors in Amerindo Technology Growth Fund ("ATGF") and the Guaranteed Fixed Rate Deposit Accounts ("GFRDA"). Those investors are: Paul Marcus, on behalf of himself and family members; Alfred Heitkoenig, on behalf of himself and family members; and Dr. Ronald Salvitti. I am writing this letter pursuant to the permission granted by Your Honors to let you know by the close of business today whether any of my clients are seeking advance distributions on hardship grounds.

As a general proposition, my clients believe that if any advance distributions are going to be made at this time, such distributions should be made proportionally to all of the ATGF and GFRDA investors. Without meaning to repeat the extensive discussion at the January 10 conference, I think any other course of action would put the Court in the difficult position of assessing whether particular claims are truly made out of financial desperation, and put counsel in the difficult position of arguing that the needs of a particular claimant are less severe than represented or were caused by that claimant's own conduct. However, if Your Honors are



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inclined to authorize emergency distributions, the balance of this letter addresses the situations of my clients.

With regard to Mr. Marcus, please be advised that he is not seeking any such distributions. While I mentioned at the end of the January 10 conference that certain of Mr. Marcus' family members had immediate financial needs, I have conferred further with my client and he has determined not to seek any payments on their behalf at this time.

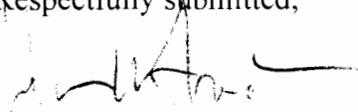
With regard to Mr. Heitkoenig, as discussed at the conference, Mr. Heitkoenig has a cousin in Haiti who is in desperate financial straits. The name of that individual is John Preetzman Aggerholm, and we are seeking an immediate distribution of fifty thousand dollars (\$50,000) on Mr. Aggerholm's behalf. Mr. Heitkoenig also has other family members (including his mother) whom he has been supporting by giving them money. However, we are not seeking any emergency distributions on their behalf at this point.

Dr. Salvitti is not seeking any such distributions either.

I respectfully submit that the situation described above may change, so that an additional application for an emergency distribution may have to be made in the future. With specific regard to Mr. Heitkoenig, the support he has been giving to his relatives has stretched his own financial situation almost to the breaking point. If he does not get prompt access to the funds that he has tied up in ATGF and GFRDA, he may well face a situation in the next few months where he will be without funds himself.

For that reason, and for all of the reasons expressed by other claimants' counsel and myself at the hearing, I urge Your Honors to put in place a distribution mechanism that would provide for the prompt return to the ATGF and GFRDA investors the monies that everyone seems to agree really belong to them, and to which they have been denied access for over six years.

Respectfully submitted,


Julian W. Friedman

JWF:cn

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